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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,512	12/19/2003	Anil Kumar Chebolu	030708	6302

38516   7590   10/23/2008
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EXAMINER
LE, CANH

ART UNIT	PAPER NUMBER
2439	

MAIL DATE	DELIVERY MODE
10/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action	10/741,512	CHEBOLU ET AL.
Before the Filing of an Appeal Brief	Examiner	Art Unit
	CANH LE	2439

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>03 October 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

  b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because
  (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);
  (b)☐ They raise the issue of new matter (see NOTE below);
  (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.
    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
  The status of the claim(s) is (or will be) as follows:
  Claim(s) allowed: _____.
  Claim(s) objected to: _____.
  Claim(s) rejected: <u>*1-8, 11-29, 31-50, and 52-63*</u>.
  Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Kambiz Zand/
Supervisory Patent Examiner, Art Unit 2434

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 10182008

The Applicant argues the following:
 A) Regarding to claims 22-29 and 31-43, many of these claims have been amended with the current form to overcome 112 1st paragraph rejections.
 B) Regarding to claims 1-8, 11-29, and 31-42, many of these claims have been amended with the current form to overcome 101 rejections.
 C) Beilinson and Kruglendo do not teach "intercepting a message for opening a window associated with a request computer application, the message intercepted before receipt thereof by operating system".
 D) Beilinson and Kruglendo do not teach "prohibiting opening the window associated with the requested computer application, thus terminating the request computer application".

Per A)
 The rejections of claims 22-29 and 31-43 with respect to the 35 U.S.C. 112, 1st paragraph, have been withdrawn in view of amendment.

Per B)
 The rejections of claims 1 and 22 with respect to the 35 U.S.C. 101 have been withdrawn in view of amendment.

 The Examiner respectfully disagrees with the Applicant as the following reasons:

Per C)
 Kruglendo teaches intercepting a message for opening a window associated with a request computer application, the message intercepted before receipt thereof by operating system [Kruglendo: par. [0056]; "The action taken by the hook procedure varies between type of hooks. The message may be changed, stopped together, or simply monitored"; par. [0077]; "If the process or a program associated with this program is approved as secure according to a list of approved processes and/or program 37, no action is taken, and the service returns to waiting 501. If, however, the process can not be approved in this manner, the alert service 33 hides the window and/or suspends the process 505"; See also fig. 8; par. [0079-0082]].

Per D)
 Beilinson teaches prohibiting opening the window associated with the requested computer application, thus terminating the request computer application [Beilinson: par. [0007]; "Example of computer functions include executing software application"; [0009]; "administrator may also restrict a user's access to specific computer functions. The invention allows an administrator the ability to deny a user all computer functions except thus specifically enable by the administrator"; par. [0054];"As stated above, restriction component 214 can be used to restrict specific computer functions 226. The specific computer functions category 226 includes a number of sub-categories. For example, and without limitation, the sub-categories can include function name 234, time of day 236, content rating 238 and duration per day 240. The embodiment may default to denying the user access to any computer function that is not on a computer function list"; par. [0055]; "access is denied to all computer function except those specifically enabled in the settings].